

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ARISE FOR SOCIAL JUSTICE; ¿OISTE?;
NEW ENGLAND STATE-AREA
CONFERENCE OF THE NAACP; REV.
TALBERT W. SWAN, II; GUMERSINDO
GOMEZ; FRANK BUNTIN; RAFAEL
RODRIQUEZ; and DIANA NURSE,

Plaintiffs,

Civil Action No. 05-30080 MAP

v.

CITY OF SPRINGFIELD and SPRINGFIELD
ELECTION COMMISSION,

Defendants.

TRIAL AFFIDAVIT OF ELIZABETH CARDONA-BADIAB

I, Elizabeth Cardona-Badiab make the following declaration based on personal knowledge:

1. I am a Latina resident of Springfield living in the North End with my two school aged children. I currently serve as the Western Regional Director for ¿Oiste?, a statewide Latino political organization. I have been extensively involved in political activities in Springfield for the past eight years.

2. Since May 2006 I have worked for the Springfield School Department as English Language Learning Education Specialist for Documentation Compliance Data and Parent and Community Involvement. Prior to that, I worked for the Springfield School Volunteers, a non-profit organization housed in the School Department. I was the read-aloud program manager, and then I became the volunteer recruitment manager.

3. I write a column called "Latino Perspective" for the community monthly newspaper, *An Afro-American Point of View*.

4. In 1998 I began doing voter registration work in Springfield. I register voters in front of supermarkets and I also go door-to-door. People who know me in the Latino community and particularly in the North End know that I always carry voter registration forms with me, so they come to me to register for the first time and to change their address with the Elections Department when they move.

5. In 2000 I coordinated a large-scale voter registration drive focusing on “rising precincts” and particularly on potential voters living in subsidized housing projects. There were over twenty people involved and we went door-to-door in Wards 1, 2 and 4.

6. I have also worked on several political campaigns. I was the Ward 1 Chair for the Deval Patrick Campaign in 2006. I campaigned in 2002 against the Unz Initiative, which challenged bilingual education. I have participated in stand-outs for Marjorie Hurst’s School Committee campaigns, Orlando Santiago’s School Committee campaign, and Jose Tosado’s School Committee and City Council campaigns. I was also involved in the Western Massachusetts Latino Political Action Committee.

7. On the basis of my registration work, my campaign experience, my interactions with Latino voters and my observations at polling locations, I believe that many Latino voters have difficulty voting in Springfield.

8. During the November 2004 election, I participated in Kids Vote, a program coordinated by the Springfield School Volunteers that encouraged kids to learn about civics by allowing them to go through a voting process very similar to the one that real voters go through.

9. From approximately 3:00 p.m. to 4:30 p.m. on the day of election, I worked at a mock polling place for kids set up at the Mason Square Fire Station in Ward 4. This Kids Vote polling place was in the same room as, and only about ten feet away from, the regular polling

place used by adults. When the kids arrived at the polling place, they were given a ballot with the names of the candidates on it and they were allowed to vote for the candidate they wanted. The kids then put their ballots in a box. Those ballots were not counted.

10. As I was helping run the Kids Vote polling place, I saw and heard a female Hispanic voter struggling to communicate in English with an older African-American poll worker at the adult polling place. The poll worker was trying to tell the Hispanic voter in English that the voter could not vote there. This voter spoke primarily in Spanish, but she was trying to tell the poll worker in broken English that she was registered to vote at this polling place, and that she had voted there before. I could see that both the poll worker and the voter were growing visibly frustrated because the poll worker could not speak Spanish and the voter could not speak English. The poll worker's body language was tense; she was rushed in dealing with the voter. As the voter kept repeating herself and trying to communicate in broken English, the poll worker kept pacing back and forth, and her voice became very escalated.

11. I went over to the poll worker and the voter and offered to help by translating what they were saying. I told the voter in Spanish that the poll worker was saying that she could not vote at that polling place. I then told the poll worker in English that the voter was saying that she has voted at that same site in the past. The poll worker insisted that the voter could not vote there. I translated this for the voter, and the voter left the polling place frustrated and upset. The poll worker did not offer the voter any other options, such as a provisional ballot, or directions to an alternate polling site.

12. I did not see or hear any Spanish-speaking poll workers at the site. No poll worker offered to help this voter in Spanish.

13. I personally experienced difficulty voting in the 2006 primary as a result of the City's administration of the annual census. I return my annual census form every year. In addition, in August 2006, I went in person to the Elections Department office in City Hall to obtain a voter registration card certifying that I was registered to vote. At that time I also updated my information. I had voted in Springfield every year since 1997, and I had lived at the same address during that period. I therefore was very surprised when, at the primary, the poll workers told me that I had been placed on the inactive list because I had not returned my annual census form. I became very upset. Many of the poll workers know me from the community and when they saw how upset I was they checked the inactive voter list and found my name there. I completed an affirmation form and I was allowed to vote a regular ballot. It was a very distressing experience, however, and I can understand how someone who was less familiar with voting procedures or less insistent might leave when they were told that they were not on the active voter list.

14. I visited a number of Springfield polling locations in 2006 as a result of my involvement with the Patrick campaign. Based on my observations, I believe that other Latino voters continued to have difficulty voting and using their assistants of choice in that election.

15. At Precinct 1H, during the 2006 primary, I was standing outside of the polling locations with a Patrick campaign sign. A woman exiting the polls told me in Spanish that she had not been able to vote because she was not on the list of registered voters. I encouraged her to vote a provisional ballot, but I was not successful, and she left without voting.

16. Also at Precinct 1H during the primary, a Latino, limited English-proficient voter asked me to help her vote. While I was standing behind the voter in line, the poll worker said to me something along the lines of, "you can leave." I explained that I was waiting for the voter,

but the poll worker, who was Hispanic, insisted that he should help the voter instead. The voter had to indicate to the poll worker that in the event that she needed assistance, she preferred my help.

17. At the November 2006 general election, I visited Ward 1C in connection with my work on the Patrick campaign. A Latino couple exited the polls looking very upset. The woman told me in Spanish that they had been at another precinct, 1D, but the poll workers at 1D had not found them on the list and had sent them to 1C. She said that they had not been permitted to vote at 1C either, because their names were not on the list. According to this woman, they had voted at 1D many times in the past. I encouraged her to go back into the polls and to vote a provisional ballot, which she did. I did not have the opportunity to encourage her husband to vote a provisional ballot because he had left upset before I could speak with him.

18. I regularly read the Spanish-language newspaper El Pueblo Latino and listen to the Spanish-language radio stations in Springfield, WACM 1490 AM and WSPR 1270 AM. I also listen to WTCC 90.7 FM, a community Latino radio program which airs every day from 2 p.m. to 4 p.m. I have not seen or heard any Spanish-language public service voter education announcements about elections in these Spanish-language media, other than those announcements sponsored by political candidates.

19. When I speak with potential Latino voters in Springfield they tell me that they do not think their vote will matter and ask me why they should get involved. They don't see the relationship between voting and how it impacts their lives.

20. In the summer of 2004, I canvassed for Deval Patrick in Ward 4 and I had the opportunity to speak with many African American voters about the election. The other canvassers and I had expected more enthusiasm among African American voters about this

election because Deval Patrick is African American. Instead, we found the same disappointment with politics that I have observed over the years among Latino voters. Voter turnout in the 2006 general election was not as high as I had hoped. I think that was because people didn't feel empowered. Although there was an African American candidate, people of color still did not believe that their votes would matter. I believe this is because, at a local level, people have not been able to elect their candidates for many years, and they feel distanced from the political process..

21. The at-large system contributes to this attitude. Most City Council and School Committee members are not connected to the community. People become frustrated because they repeatedly vote for candidates who are not elected. This contributes to lower voter turnout because people in the Latino community feel their votes do not count.

22. I believe that if Springfield's at-large system were changed to a district-based system, Latino voters would be more successful at electing their favored candidates.

23. I do not believe our school system is adequately serving the children, who are overwhelmingly Latino and African American. This is evident in the high Latino dropout rate. Not all schools have equal resources. The "boundary school plan" is a step backward in terms of equity and justice.

24. Latinos make up over 50% of the Springfield Public School population and have the highest dropout rate, the lowest MCAS scores and the most consistent absenteeism. Several schools in the predominantly Latino community are in the "Needs Improvement" category because they have not made their AYP.

Signed under penalties of perjury, this 8 day of March, 2007.

A handwritten signature in black ink, reading "Elizabeth Cardona-Badiab", written over a horizontal line.

Elizabeth Cardona-Badiab

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on March 9, 2007.

/s/ Paul E. Nemser